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6

7 **UNITED STATES DISTRICT COURT**

8 **NORTHERN DISTRICT OF CALIFORNIA**

9

10 **ROBERT MCCARTHY**

11 **Plaintiff,**

12 **v.**

13 **JEFFREY A. GIANNINI; ALBERT P.**  
14 **GIANNINI, JR.; THE GIANNINI LIVING**  
15 **TRUST; And DOES 1 THROUGH 10,**  
**Inclusive,**

16 **Defendants.**

17 **Case No.: C07-05376 PVT**

18 **STIPULATED DISMISSAL WITH**  
**PREJUDICE OF ALL DEFENDANTS**  
**AND PLAINTIFF'S COMPLAINT IN ITS**  
**ENTIRETY.**

19 [Fed.R.Civ.P. Rule 41(a)(2)]

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21 **///**

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**IT IS HEREBY STIPULATED** by and between **ROBERT MCCARTHY**, Plaintiff, on the one hand, and Defendants **JEFFREY A. GIANNINI; ALBERT P. GIANNINI, JR.**; and **THE GIANNINI LIVING TRUST** on the other hand, through their respective attorneys of record that, pursuant to Federal Rules of Civil Procedure, Rule 41 (a)(1) and (2), this Court enter a dismissal with prejudice of all Defendants including but not limited to Defendants **JEFFREY A. GIANNINI; ALBERT P. GIANNINI, JR.**; and **THE GIANNINI LIVING TRUST**, from Plaintiff's Complaint. Additionally, Plaintiff requests that Plaintiff's complaint be dismissed with prejudice in its entirety.

## IT IS SO STIPULATED.

Dated: 1-15-2008

## **PINNOCK & WAKEFIELD, A.P.C.**

By: /S/ David C. Wakefield  
DAVID C. WAKEFIELD, ESQ.  
Attorneys for Plaintiff

Dated: 1-15-2008

## LITTLER MENDELSON

By: /S/ Tyler M. Paetkau  
TYLER M. PAETKAU, ESQ  
Attorney for Defendants

**CERTIFICATE OF PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following document(s) described as **STIPULATED DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY** and **ORDER FOR DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY**

on the following parties in this action by:

**BY ELECTRONIC SERVICE TRANSMISSION** via the United States District Court, Northern District of California, Case Management/Electronic Case Files, Filing System. I served a copy of the above listed document(s) to the e-mail addresses of the addressee(s) by use of email as identified and maintained therein.

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Attorneys for all Defendants

BY MAIL: placing \_\_\_\_\_ the original \_\_\_\_\_ a true copy thereof enclosed in sealed enveloped addressed as stated above. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

X **FEDERAL:** I declare that I am employed in the office of a member of the Bar of this Court, at whose direction this service was made.

**EXECUTED** on February 5, 2008, at San Diego, California.

/S/ David C. Wakefield  
David C. Wakefield